



NATIONAL COMMISSION FOR CULTURE AND THE ARTS

*Excerpts from the Minutes of the Regular Commission Meeting held on
November 4, 2014, NCCA, Manila*

and

*Confirmed at the Regular Commission Meeting held on
December 16, 2014, NCCA, Manila*

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Special Resolution

[U]pon motion made and duly seconded, the Commission approved
this Special Resolution:

Resolution No. 2014- 448

**Delegating the Line of Authority in the Signing and Issuance
of Cease and Desist Order (CDO)**

in relation to the implementation of the

Rules on Pleading and Practice in Heritage Cases

**Thereby Amending Section 34, Rule VII of the
Rules of Pleading and Practice in Heritage Cases**

WHEREAS, Section 25 of Article VII of Republic Act 10066 and Section 28, Rule VIII of its Implementing Rules and Regulations empowers the Commission to issue Cease and Desist Order to suspend all activities that will affect the cultural property, when the physical integrity of the national cultural treasures or important cultural properties are found to be in danger of destruction or significant alteration from its original state;

WHEREAS, the Commission meets only once a month and there is a need to adopt a mechanism delegating the line of authority to sign and issue a CDO in accordance with the law.

RESOLVED, as it is hereby **RESOLVED**, in the interest of the Service, To Authorize the Chairman as the primary signatory of the Cease and Desist Order, and in his/her absence, the other accountable officers of the Commission, *namely, the Executive Director and the Deputy Executive Director*, to decide and act, for and in behalf of the Board of Commissioners, and to sign and issue the necessary CDO in relation to the implementation of RA 10066 and its appurtenant rules.

RESOLVED FINALLY, That Section 34, i.e., Rule VII of the *Rules of Pleading and Practice in Heritage Cases* is hereby amended, to read as follows:

"Rule VII
Orders, Resolutions and Decisions

Section 34. CEASE AND DESIST ORDER (CDO) – Whenever the Hearing Officer finds prima facie evidence that the current action on the property constitutes an immediate threat to the said property or its features or cultural value, he/she may recommend to the Chairman of the Board to issue an ex parte *Cease and Desist Order* directing the discontinuance of the same or the temporary suspension or cessation of operation of the establishment.

The CDO shall be issued by the Chairman or in his/ her absence by the Executive Director or in their absence the Deputy Executive Director. The CDO shall remain in force and effect until otherwise superseded by a Lifting Order issued by the Board or by the Chairman as duly designated by the Board.

The Board may also authorize the Chairman to revoke, suspend or modify any permit to restore, repair, renovate, demolish, reconstruct or conduct any such action, or any clearance for such actions whenever such is necessary to prevent or abate the loss or destruction of the site or object, upon recommendation of the Hearing Officer.

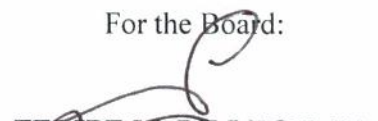
The Order Lifting the Cease and Desist Order shall be issued upon the recommendation of the Hearing Officer after due Notice and Hearing.

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Prepared by:


MYLA T. BUAN
Board Secretary

For the Board:


FELIPE M. DE LEON, JR.
Chairman